UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,190	05/23/2000		LH 004	3789

35070 7590 08/09/2007

ANATOLY S. WEISER
3525 DEL MAR HEIGHTS ROAD, #295
SAN DIEGO, CA 92130

EXAMINER	
THERIAULT, STEVEN B	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/577,190	CATHERIINE LIN-HENDEL	
	Examiner	Art Unit	
	Steven B. Theriault	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25 and 29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25, 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communications: Arguments filed 5/24/2007.

This action is made Final.

2. Claims 1-25, 29 are pending in the case. Claims 1, 2, 22, 23, 24, and 29 are the independent claims. Claims 26-28 are cancelled. Claim 29 is new.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action**:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-25, 29 are rejected under 35 USC 103(a) as being unpatentable over Finseth et al. (hereinafter Finseth) U.S. Patent No. 6,271,840 issued Aug. 7, 2001 and Filed Sept. 24, 1998, in view of Wolfston et al. (hereinafter Wolfston) U.S. Patent No. 5,815,155 issued Sept. 29, 1998 and Filed Sept. 24, 1998.**

With regard to **Independent claim 1,** Finseth teaches a system for navigating and browsing electronic media, comprising:

- *A device enabling viewing of digitally stored information, the device being configured to display at least portions of a categorization structure having a plurality of nested cascading category levels (Finseth Figures 5 and 8 and column 4,lines 25-67)* Finseth

shows a plurality nested category levels of information as a result of a search request generated by the user. Finseth shows the information in a nested manner.

- *Each category level of the plurality of nested cascading category levels comprising a plurality of category titles of electronic media content stored on a storage device (*Finseth column 5,lines 1-20 and column 6, lines 1-20) Finseth shows the information stored on a device and can comprise a variety of media content types. Finseth teaches that the user can browse the search result link and subsequent images linked to the first result.
- *Each category title having a selectable link-token to the stored content for said each category title, (Finseth column 5, lines 1-20)* Finseth teaches a selectable token that a user selects and the information is retrieved related to the token. Finseth also teaches a web crawler that can display information from databases, lists or visual indexes that can include categories of information with a link to the title of the category.
- *Each category title also being coupled to the category title's hidden nested subcategory structure of said each category title, the hidden nested sub-category structure of said category title comprising link tokens of category titles comprised in said each category title and the category titles in the different plurality of category levels able to be browsed independently of having to select and retrieve the stored content for any title from the storage device* (Finseth Figures 5-8 and column 8, lines 45-67 and column9, lines 5-20 and column 10, lines 1-15) Finseth teaches that a search result is presented to the user and the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result. The subsequent information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20). Finseth also teaches that the categories of information are hierarchical and presents specific examples of

applications such as ALTAVISTA, LYCOS, YAHOO, EXCITE and the like are used for the purposes of providing any delivered list of URL's for retrieval and graphical summary as rendered in a visual index which would include having a link tokens to sub-category levels.

Finseth does not expressly teach:

- Wherein the categorization structure enables a user viewing content from **any** category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieve command.

Wolfston teaches a web crawler navigation system that helps the user navigate through a hierarchical set of categories where the system allows the user to select, with a single command, a title that can direct the user any one category or to any other category title (See figure 2d and column 5, lines 34-50). For example, the title is horses and the user is in the for sale area and the use can select 122 and be redirected back to the top level or select travel 104e and then select product services 104b and be directed to the correct level with a single command. Finseth and Wolfston are analogous art because they are from the same problem solving area of reducing the users interactions while searching through information presented on the web page.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Finseth to show in the search results window the selected categories that the user has selected or is going to select from any category within the structure. Finseth teach a visual processing of information and a process of making it easier for the user to preview and derive an indication of where the user is going to be directed to if they select a hyperlink with a mouse. Wolfston teaches a process of placing the users selections on the screen for the purposes of visually showing the users past selections and giving them an ability to quickly return to a given level in the search string. Therefore, the motivation to combine Finseth with Wolfston comes from the suggestion in Wolfston to display the information displayed to the user and then selected for the purposes of returning to a given point in the navigation process (See column 8, lines 30-45).

With respect to **dependent claim 2,** Finseth teaches a system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path, the system comprising a computer configured to display to a user pages of content within an inter-linked content structure comprising at least three category levels, and to enable the user to retrieve at will with one single click any desired content page within inter-linked content structure (Finseth column 6, lines 1-25 and column 7, lines 1-67 and column 8, lines 45-67). Finseth teaches that the user can select a category level in one image and then see a linked image comprising the links to the subject matter and within the linked image the user can see and select subsequent links and so forth. The user can then select or retrieve information within the inter-linked content structure.

Finseth does not expressly teach:

Retrieving with a single click any desired content page from a display of every other content page of the inter-linked content structure

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Wolfston, because Wolfston teaches a process of saving and displaying user content categories in a navigation structure where the user can select from within any one category structure a link to enter any other category structure (See Wolfston figure 2a – 2d and column 5, lines 8-67).

With respect to **dependent claim 3,** Finseth teaches the *system wherein link tokens of one or more category titles in a first category level of the plurality of nested cascading category levels are displayed for viewing on a display device in response to placing a cursor on a starting symbol representing a gateway to viewing the categorization structure displayed on the display device, without clicking* (Finseth Figures 5-8 and column 8, lines 45-67 and column9, lines 5-20 and column 10, lines 1-15) Finseth teaches that a search result is presented to the user and the user can place the cursor over the result and in either a popup or frame or representation next to the result and image map appears showing the content linked to the first result. The subsequent

information is presented to the user with or without clicking on the content and the subsequent information can comprise links to further information that would also comprise image information for subsequent links. The hidden structures are not displayed until the user moves the cursor over the link and the titles contain link tokens to the information (See column 5, lines 10-20).

With respect to **dependent claim 4,** Finseth teaches the *system, wherein the link-tokens of one or more category titles in the first category level are displayed on the display device underneath the starting text-string or a symbol representing the gateway to viewing the categorization structure (Finseth figure 5 and 8 and column 9, lines 65-67 and column 9, lines 1-22).* Finseth teaches that the information within the categories of information can be placed in a variety of configurations including a process of display directly underneath the input search string a representation of the web pages (See column 10, lines 10-15).

With respect to **dependent claim 5,** Finseth teaches the *system wherein placing the cursor on one link-token of the link-tokens of one or more category titles in the first category level causes the title to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level (Finseth column 6, lines 1-67 and column 8, lines 20-67).* Finseth teaches the information is displayed in a visual index according to user preferences including color and size, which would include highlighting the link as the user places a cursor over the link to activate it. Finseth teaches a visual index (See column 9, lines 43-67) where the search results can be displayed on one side of the window and the results on the other side where one or more levels and categories can be displayed.

Finseth does not expressly teach:

The title of the link token with the cursor on it corresponding to the one link-token to be highlighted

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Wolfston, because Wolfston teaches a process of showing a first link token with

the cursor or other means (See column 8, lines 30-37) where the first token is highlighted (See figure 2b). Wolfston teaches the first is highlighted and displayed to the user (See 122) along with the second categories of information are displayed (See 134). Therefore, it would have been obvious to modify the visual index of Finseth to show the first category in a highlighted state.

With respect to **dependent claim 6,** Finseth teaches the *system wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other* (Finseth figures 5-8).

With respect to **dependent claim 7,** Finseth teaches the *system wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other* (Finseth figures 5-8).

With respect to **dependent claim 8,** Finseth teaches the *system, wherein placing the cursor on one of the category titles displayed in the second category level causes said title to be highlighted and causes a third category level having a third plurality of category titles to be displayed alongside the second category level, the plurality of titles in the third category level being sub-categories of the highlighted title displayed in the second category level* (Finseth figures 5-8 and column 6, lies 1-67 and column 8, lines 20-67). Finseth teaches a visual index (See column 9, lines 43-67) where the search results can be displayed on one side of the window and the results on the other side where one or more levels and categories can be displayed.

Finseth does not expressly teach:

One of the titles of the category titles displayed in the second category to be highlighted

However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Wolfston, because Wolfston teaches a process of showing a first or subsequent link token selected with the cursor or other means (See column 8, lines 30-37) where the first and subsequent tokens are highlighted (See figure 2d). Wolfston teaches the first and subsequent tokens are highlighted and displayed to the user (See 122, 142, 162, etc) along with the second and

following categories of information are displayed (See 134, 148, 164, etc). Therefore, it would have been obvious to modify the visual index of Finseth to show the first or subsequent categories in a highlighted state.

With respect to **dependent claim 9,** Finseth teaches the *system wherein the system has a selectable number of category level* (Finseth column 7, lines 1-67).

With respect to **dependent claim 10,** Finseth teaches the *system, wherein the system has a selectable number of category titles in each category level* (Finseth column 8, lines 1-67).

With respect to **dependent claim 11,** Finseth teaches the *system, wherein the system is implemented using software* (Finseth column 4, lines 1-67).

With respect to **dependent claims 12 and 13,** Finseth teaches the system wherein when the cursor is moved from a category level having a plurality of category titles which are sub-categories of a title in a higher category level, the category level with the plurality of sub-category titles and all subsequent category levels cease to be displayed on the display device (Finseth column 8, lines 50-67 and column 9, lines 1-20 and column 10, lines 1-20).

With respect to **dependent claim *14,*** Finseth teaches the *system wherein a browser can browse the categorization structure independently of any media content displayed on the display device.* (Finseth column 5, lines 1-25)

With respect to **dependent claim 15,** Finseth teaches the *system wherein a browser can navigate and* browse the different category titles in the different category levels of the categorization structure without having to select and retrieve a page of media content from the storage device and without having to navigate back and forth between different pages of media content (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20).

With respect to **dependent claim 16,** Finseth teaches the *system wherein the categorization structure resides with the pages of media content but is not displayed on the display device with the media content until a browser places the cursor on the starting symbol (Finseth column 10, lines 1-20 and Figures 5-8).*

With respect to **dependent claim 17,** Finseth teaches the *system wherein the media content are the pages of a web site* (Finseth column 5,lines 1-20).

With respect to **dependent claim 18,** Finseth teaches the *system wherein a browser can navigate and browse the different category titles in the different.category levels of the categorization structure without having to down load a web page from the storage device and without having to navigate back and forth between different web pages* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20).

With respect to **dependent claim 19,** Finseth teaches the *system wherein the categorization* structure resides with the web pages but is not displayed on the display device with the web pages until a browser places the cursor on the starting symbol (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20).

With respect to **dependent claim 20,** Finseth teaches the *system wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20).

With respect to **dependent claim 21,** Finseth teaches the *system wherein a browser can move from a first or any category title in a particular level to any other title in the same level of the categorization tree structure* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20).

In regard to **Independent claim 22,** Finseth teaches a *system for navigating and browsing electronic media, comprising:*

- *A device for viewing of digitally stored information, the device being configured to display at least portions of a categorization tree structure having a plurality of cascading category lists, each list displaying of the plurality of cascading category lists comprising a plurality of category titles to electronic media content stored on at least one storage device (Finseth Figures 5 and 8 and column 4,lines 25-67)* Finseth shows a plurality nested category levels of information as a result of a search request generated by the user. Finseth shows the information in a nested manner and on a storage device.
- *Each category title having a selectable link-token to the stored content file for said <u>each</u> category title, wherein the device is configured to display one or more link-tokens comprised in the stored content file for said each category title in response to placement of a cursor on the selectable link token of said each category title without clicking on or invocation of the selectable link token of said each category title, whereby the system enables and the category titles in the different plurality of category lists able to be browsed independently of selecting and retrieving stored content files for any title from the at least one storage device* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20). Finseth teaches the user can move a cursor of media content on the display where the content comprises nested structures and the movement of the cursor will cause an image to appear showing the content of the hyperlink to the user without the user clicking on the image. Further, the image will also contain link tokens for the user to select to see the subcategory items and where the link tokens are independent titles and the information can be stored in cache or on a disk in the device.

Finseth does not expressly teach:

- Wherein the categorization structure enables a user viewing content from **any** category title in the categorization structure to retrieve content of any other category title in the categorization structure using a single retrieval command.

Wolfston teaches a web crawler navigation system that helps the user navigate through a hierarchical set of categories where the system allows the user to select, with a single command, a title that can

direct the user any one category or to any other category title (See figure 2d and column 5, lines 34-50). For example, the title is horses and the user is in the for sale area and the use can select 122 and be redirected back to the top level or select travel 104e and then select product services 104b and be directed to the correct level with a single command. Finseth and Wolfston are analogous art because they are from the same problem solving area of reducing the users interactions while searching through information presented on the web page.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Finseth to show in the search results window the selected categories that the user has selected or is going to select from any category within the structure. Finseth teach a visual processing of information and a process of making it easier for the user to preview and derive an indication of where the user is going to be directed to if they select a hyperlink with a mouse. Wolfston teaches a process of placing the users selections on the screen for the purposes of visually showing the users past selections and giving them an ability to quickly return to a given level in the search string. Therefore, the motivation to combine Finseth with Wolfston comes from the suggestion in Wolfston to display the information displayed to the user and then selected for the purposes of returning to a given point in the navigation process (See column 8, lines 30-45).

In regard to **Independent claim 23,** Finseth teaches a *method for navigating and browsing electronic media, comprising the steps of:*

- *Placing the cursor of the system of claim 22 on a first selectable link-token to the second content file for a first category title of said plurality of category titles; (Finseth column 8, lines 45-67)*
- *Viewing one or more link-tokens comprised in the stored content file for the first category title displayed in response to the step of placing. (Finseth column 8, lines 45-67) Finseth teaches that the user can place a cursor on a media item show in the display and the system will present to the user a popup showing the subsequent webpage that the user would be directed to if they had clicked the link. Within the shown pop-up, the user can select other links with the cursor and see the subsequent links to further pages,* ***without clicking****.*

In regard to **Independent claim 24,** Finseth teaches a *system for tracking the navigation and browsing of electronic media, the system comprising at least one computing device configured to enable a browser viewing any one content page of a plurality of content pages linked to any one of a plurality of category titles in a categorization structure comprising at least three category levels to retrieve every other content page of the plurality of content pages with a single click of a computer mouse* (Finseth column 8, lines 40-67 and column 9, lines 1-20 and column 10,lines 1-20). Finseth teaches a process of allowing the user to search through subsequent pages and activating the links in the corresponding viewed pages with a single user click (See column 6, lines 10-25). Every other page can be where the user has placed the cursor over a link but has not selected it and the system provides a preview of the page and then the user places the cursor over a link in the preview page and the system presents in and so on. This would create a structure by which the user could view a series of pages and then select the other page that they want to navigate to.

With respect to **dependent claim 25,** Finseth teaches the system wherein the system is embedded with a hidden dynamic nested-cascading categorization structure that allows the browser viewing any content page to browse and view the entire categorization structure independent of the content of any content Page (Finseth figures 2a-2f) Wical shows the user can browse the titles of content independently of any content on the page and also view the entire structure.

In regard to **Independent claim 29,** Finseth teaches a *system for navigating and browsing electronic media, comprising:*

- A computing device configured to display the web pages to a user (See column 4, lines 25-40)
- Each page of the plurality of interlinked web pages comprising a starting symbol for a gateway to viewing a categorization tree structure that comprises link tokens for the web pages of the plurality of interlinked web pages, wherein the user viewing content of said each

web page places a cursor on the starting symbol of said each web page the computing device causes at least a portion of the categorization tree structure to be displayed on said each web page (See column 8, lines 1-67) Finseth teaches a no-click system that allows the user to place a cursor over a link or series of links to preview the web pages without selecting them (See column 8, lines 45-55). Finseth shows the starting symbol to a categorization structure in the visual index hyperlinks displayed on the left in the browser window (See column 8, lines 35-40). A visual index is a tree structure that can be organized by category especially when the invention of Finseth is a web crawler where the information for a given topic or topics can be organized for a user to browse through.

Finseth does not expressly teach:

wherein the categorization tree structure enables a user to single click to:

- Return the user to any previous web page of the plurality of linked web pages
- Go to a web page of the plurality of linked web pages on a different browsing path from the browsing path of sad each web page.

Wolfston teaches a web crawler navigation system that helps the user navigate through a hierarchical set of categories where the system allows the user to select, with a single command, a title that can direct the user any one category or to any other category title or previous web page in the path (See figure 2d and column 5, lines 34-50). For example, the title is horses and the user is in the for sale area and the use can select 122 and be redirected back to the top level or select travel 104e and then select product services 104b and be directed to the correct level with a single command. Finseth also shows the user can select any category level and proceed on a different path then originally started on (See figure 2a and figure 5). Finseth and Wolfston are analogous art because they are from the same problem solving area of reducing the users interactions while searching through information presented on the web page.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Finseth to show in the search results window the selected

categories that the user has selected or is going to select from any category within the structure. Finseth teach a visual processing of information and a process of making it easier for the user to preview and derive an indication of where the user is going to be directed to if they select a hyperlink with a mouse. Wolfston teaches a process of placing the users selections on the screen for the purposes of visually showing the users past selections and giving them an ability to quickly return to a given level in the search string. Therefore, the motivation to combine Finseth with Wolfston comes from the suggestion in Wolfston to display the information displayed to the user and then selected for the purposes of returning to a given point in the navigation process (See column 8, lines 30-45).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

5. Applicant's arguments filed 05/24/2007 have been fully considered but they are not persuasive.

Applicant's argument that they cannot discern from the cited sections how the limitations of claims are met

Applicant argues that "We have perused the cited Figure and text of Wolfston, as well as the remainder of that document, but have: not been able to identity any teaching or suggestion of the pertinent limitations" (See argument page 12).

The Examiner disagrees.

The Examiner relied on the teachings of Wolfston to teach the limitation of enabling the user to view content of any category **title** in the categorization structure to retrieve content of any other category **title** in the categorization structure using a single command. The skilled artisan can determine by looking at figure 2d that the user can select with a single command any category title shown on the display. For example, the titles are 122, 142, and 162. The user can view

content by selecting the horse's title from the draft category and visa versa. If these were the only categories in the structure, the user can perform the function and therefore as the examiner explained in the above rejection and in arguments the structure of Wolfston and Finseth teach the limitations of claim 1.

Moreover, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant's argument that Wolfston does not show actuators representing all lower levels

Applicant argues that the prior art of Wolfston does not teach or suggest where the actuators of show all lower levels and does not show other paths that are available from the top hierarchical level and therefore cannot discern from the disclosure the claim limitations (See arguments page 12-13).

The Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., does not show all lower levels) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the Examiner cannot find a limitation in the Independent claim that states all lower levels should be shown. Perhaps if the limitation was something for the examiner to consider then the claims should specifically recite the limitation.

Applicant's argument that Wolfston does not provide for skipping for the next lower level and selecting a lower level that is not next or for jumping to a level on a parallel path.

Applicant argues that the prior art of Wolfston does not teach or suggest or provide for skipping the next lower level or skipping a lower level that is not next and therefore cannot discern from the disclosure the claim limitations (See arguments page 13).

The Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., does not show all lower levels) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the Examiner cannot find a limitation in the Independent claim that states skipping the next lower level and selecting a lower level that is not next. Perhaps if the limitation was something for the examiner to consider then the claims should specifically recite the limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

WEILUN LO
SUPERVISORY PATENT EXAMINER